

Section 3

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

ATTORNEYS AT LAW

1100 NEW YORK AVENUE, N.W., SUITE 600  
WASHINGTON, D.C. 20005-3934

(202) 371-2500

FACSIMILE: (202) 371-2540; (202) 371-6566

ROBERT GREENE STERNE  
EDWARD J. KESSLER  
JORGE A. GOLDSTEIN  
SAMUEL L. FOX  
DAVID K.S. CORNWELL  
ROBERT W. ESMOND  
TRACY-GENE G. DURKIN  
MICHELE A. CIMBALA  
MICHAEL B. RAY  
ROBERT E. SOKOHL

ERIC K. STEFFE  
MICHAEL O. LEE  
STEVEN R. LUDWIG  
JOHN M. COVERT\*  
LINDA E. ALCORN  
RAZ E. FLESHNER  
ROBERT C. MILLONIG  
MICHAEL V. MESSINGER  
JUDITH U. KIM  
TIMOTHY J. SHEA, JR.

DONALD R. MCPHAIL  
PATRICK E. GARRETT  
STEPHEN G. WHITESIDE  
NOEL B. WHITLEY  
JEFFREY T. HELVEY\*  
HEIDI L. KRAUS  
JEFFREY R. KURIN  
RAYMOND MILLIEN  
PATRICK D. O'BRIEN  
BRIAN S. ROSENBLUM

LAWRENCE B. BUGAISKY  
CRYSTAL D. SAYLES\*  
EDWARD W. YEE  
ALBERT L. FERRO\*  
DONALD R. BANOWIT\*  
PETER A. JACKMAN\*  
MOLLY A. MCCALL\*  
TERESA U. MEDLER\*  
JEFFREY S. WEAVER\*

DONALD J. FEATHERSTONE\*\*  
KAREN R. MARKOWICZ\*\*  
GRANT E. REED\*\*  
SUZANNE E. ZISKA\*\*  
BRIAN J. DEL BUONO\*\*  
CAMERON H. TOUSI\*\*  
VINCENT L. CAPUANO\*\*

ROBERT H. BENSON\*  
OF COUNSEL

\*BAR OTHER THAN D.C.  
\*\*REGISTERED PATENT AGENTS



June 28, 1999

WRITER'S DIRECT NUMBER:  
(202) 789-5509

Assistant Commissioner for Patents  
Washington, D.C. 20231

**Box Missing Parts**

Re: U.S. Utility Patent Application  
Appl. No. 09/275,883; Filed: March 25, 1999  
For: **Inducible Alphaviral Gene Expression System**  
Inventors: RENNER *et al.*  
Our Ref: 1700.0020001/JAG/SGW

Sir:

In reply to the "Notice to File Missing Parts of Application--Filing Date Granted," dated April 27, 1999, Applicants submit the following documents for appropriate action by the U.S. Patent and Trademark Office:

1. Fee Transmittal (Form PTO/SB/17) (*in duplicate*);
2. Copy of the Notice to File Missing Parts;
3. Original Declaration, executed by Wolfgang A. Renner, Lars Nieba, and Marco Boorsma;
4. An original executed Power of Attorney from Assignee;
5. Assignee 37 C.F.R. § 3.73(b) Statement with copy of Assignment attached;
6. Information Disclosure Statement;
7. A listing of the cited documents on Form PTO-1449 (28 sheets);

Assistant Commissioner for Patents  
June 28, 1999  
Page 2

8. Copies of Documents: AA1, AB1, AC1, AD1, AE1, AF1, AG1, AH1, AL1, AM1, AN1, AR1, AS1, AT1, AR2, AS2, AT2, AR3, AS3, AT3, AR4, AS4, AT4, AR5, AS5, AT5, AR6, AS6, AT6, AR7, AS7, AT7, AR8, AS8, AT8, AR9, AS9, AT9, AR10, AS10, AT10, AR11, AS11, AT11, AR12, AS12, AT12, AR13, AS13, AT13, AR14, AS14, AT14, AR15, AS15, AT15, AR16, AS16, AT16, AR17, AS17, AT17, AR18, AS18, AT18, AR19, AS19, AT19, AR20, AS20, AT20, AR21, AS21, AT21, AR22, AS22, AT22, AR23, AS23, AT23, AR24, AS24, AT24, AR25, AS25, AT25, AR26, AS26, AT26, AR27, AS27, AT27, AR28, and AS28;
9. One (1) return postcard; and
10. Our Check No. 24770 for \$ 1,940.00 to cover:  
\$ 760.00 Filing Fee for Patent Application (37 C.F.R. § 1.16);  
\$1,050.00 Fee for excess claims (37 C.F.R. § 1.16); and  
\$ 130.00 Surcharge for late filing of Declaration (37 C.F.R. § 1.16).

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. If extensions of time under 37 C.F.R. § 1.136 other than those otherwise provided for herewith are required to prevent abandonment of the present patent application, then such extensions of time are hereby petitioned, and any fees therefor are hereby authorized to be charged to our Deposit Account No. 19-0036. A duplicate copy of this letter is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Stephen G. Whiteside  
Attorney for Applicants  
Registration No. 42,224

Enclosures

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL**

Patent fees are subject to annual revision on October 1.  
These are the fees effective October 1, 1997.  
Small Entity payments must be supported by a small entity statement,  
otherwise large entity fees must be paid. See Forms PTO/SB/09-12.  
See 37 C.F.R. §§ 1.27 and 1.28.

**Complete if Known**

Application Number	09/275,883
Filing Date	March 25, 1999
First Named Inventor	Wolfgang A. Renner
Examiner Name	To be assigned
Group / Art Unit	To be assigned
Attorney Docket Number	1700.0020001/JAG/SGW

TOTAL AMOUNT OF PAYMENT (\$ ) 1,940.00

**METHOD OF PAYMENT (check one)**

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:

Deposit Account Number: 19-0036  
Deposit Account Name: Sterne, Kessler, Goldstein & Fox P.L.L.C.

- ☐ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
☐ Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance

2. ☒ Payment Enclosed: ☒ Check No. 24770

☐ Money Order ☒ Other\*  
\*Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.

**FEE CALCULATION****1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	760	201	380	Utility filing fee	760.00
106	310	206	155	Design filing fee	
107	480	207	240	Plant filing fee	
108	760	208	380	Reissue filing fee	
114	150	214	75	Provisional filing fee	
SUBTOTAL (1) (\$)					760.00

**2. EXTRA CLAIM FEES**

Total Claims	Extra	Fee from below	Fee Paid
74 - 20** = 54	X	18	972.00
Indep. Claims 4 - 3** = 1	X	78	78.00
Multiple Dependent Claims			

\*\* or number previously paid, if greater; For Reissues, see below

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	78	202	39	Independent claims in excess of 3
104	260	204	130	Multiple dependant claim
108	78	209	39	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ ) 1,050.00

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	130.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	380	216	190	Extension for reply within second month	
117	870	217	435	Extension for reply within third month	
118	1,360	218	680	Extension for reply within fourth month	
128	1,850	228	925	Extension for reply within fifth month	
119	300	219	150	Notice of Appeal	
120	300	220	150	Filing a brief in support of an appeal	
121	260	221	130	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,210	241	605	Petition to revive - unintentional	
142	1,210	242	605	Utility issue fee (or reissue)	
143	430	243	215	Design issue fee	
144	580	244	290	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	240	126	240	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	760	246	380	Filing a submission after final rejection (37 CFR 1.129(a))	
149	760	249	380	For each additional invention to be examined (37 CFR 1.129(b))	
Other fee (specify):					
Other fee (specify):					
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3) (\$ )					130.00

**SUBMITTED BY****Complete (if applicable)**

Typed or Printed Name: Stephen G. Whiteside

Reg. Number: 42,224

Signature: 

Date: 6/28/99

Deposit Acct. User ID:

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



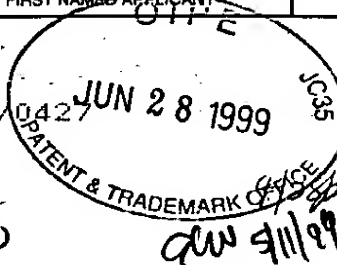
UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER 07/275,000	FILING/RECEIPT DATE 03/25/99	FIRST NAMED APPLICANT RENNER	ATTORNEY DOCKET NO./TITLE W 1700.0020001
----------------------------------	---------------------------------	---------------------------------	---

STERNE KESSLER GOLDSTEIN & FOX  
1100 NEW YORK AVE NW  
SUITE 600  
WASHINGTON DC 20005-3934

0262/042



NOT ASSIGNED

PP  
SOW

1643

DATE MAILED:

04/27/99

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
**Filing Date Granted**

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☐ \$130.00 for a non-small entity, must be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☐ non-small entity is \$ 1940

☒ 1. The statutory basic filing fee is:

- ☒ missing.  
☐ insufficient.

Applicant must submit \$ 760

DECLARATION DUE July 27, 1999  
FILING FEE DUE July 27, 1999  
to complete the basic filing fee and/or file a small entity statement

☒ 2. The following additional claims fees are due: 1050

\$ 972 for 54 total claims over 20.

\$ 78 for 1 independent claims over 3.

\$        for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unsigned.  
☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.72, previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

Robinson

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

01 FC:101  
02 FC:105  
03 FC:103  
04 FC:102  
06/30/1999 ARJHANE 00000082 0327586  
172,180,185